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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,599	04/12/2001	Adam D. Sah	004055.P010	4413

26874	7590	01/24/2006

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

EXAMINER
KIM, CHONG R

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/834,599	SAH, ADAM D.
	Examiner	Art Unit	
	Charles Kim	2623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*10 November 2005*</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*20-39*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>*22,23,31 and 33*</u> is/are allowed.

6)☒ Claim(s) <u>*20,21,24-30,32 and 34-39*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*06 April 2005*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>*11/10/05.*</u>

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment and Arguments

1.   Applicant's amendment filed on November 10, 2005 has been entered and made of record.

2.   In view of applicant's amendment, the objection to the title is withdrawn.

3.   In view of applicant's amendment, the claim objects are withdrawn.

4.   In view of applicant's amendment, the 112 first paragraph rejections are withdrawn.

5.   Applicant's arguments have been fully considered, but they are not deemed to be persuasive for at least the following reasons.

Applicant's argue (page 9) that their claimed invention differs from the prior art because "Lyons et al. fails to teach a hierarchical arrangement of such interest values as recited in each of the present independent claims." The Examiner disagrees. Lyons explains that an image of interest is identified by referencing a set of images stored in memory (interest definition memory) ranked according to a set of predetermined criteria (paragraph 32). The ranked images are interpreted as being analogous to the "hierarchical list of interest values" because the ranks are hierarchical and are based on a set of predetermined criteria (paragraphs 27-31) that are determined from characteristics of views corresponding to the captured images. Note that the claims do not specify the details of the hierarchical list of interest values nor does it describe how the image of interest is selected based on the list. Thus, in view of the broadest reasonable interpretation of the claims, Lyons appears to be applicable to at least claims 20 and 37, as amended.

Claim Objections

6.   Claim 33 is objected to because of grammatical errors. It appears that the applicant

intended the phrase "the act of act of" in line 4, to read "the act of". Appropriate correction is

required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 20, 21, 24, 25, 27-29, 36-38 are rejected under 35 U.S.C. 102(e) as being

anticipated by Lyons et al., U.S. Patent Application Publication No. 2002/0067258 ("Lyons").

Referring to claim 20, Lyons discloses a method for providing images to a user, the

method comprising:

a.   periodically capturing a plurality of images with a plurality of cameras (114, 116),

wherein the plurality of cameras are located at a camera site (104), wherein each of the captured

images provides a corresponding view of the camera site (page 2, paragraphs 21-23);

b.   transmitting at least a portion of the captured images to a server (102a) [page 2,

paragraph 24];

     c.   processing the captured images, wherein the act of processing comprises identifying one or more images of interest among the captured images, wherein the act of identifying one or more images of interest comprises referencing an interest definition memory, wherein the interest definition memory comprises a hierarchical list of interest values for characteristics of views corresponding to captured images (page 2, paragraphs 26-32); and

     d.   periodically transmitting image data to a user's system, wherein the periodically transmitted image data comprises one or more of the images of interest (paragraph 32).

Referring to claim 21, Lyons further discloses that the act of identifying one or more images of interest comprises detecting motion of a moving object within the one or more views corresponding to the processed images (paragraphs 27-29).

Referring to claim 24, Lyons further discloses that the act of detecting motion of the moving object is performed by a motion detector (110) [paragraph 22].

Referring to claim 25, Lyons further discloses that the moving object is a person (paragraph 22).

Referring to claim 27, Lyons further discloses that the act of processing is performed by a camera management system located at the camera site (figure 1).

Referring to claim 28, Lyons further discloses that the at least a portion of the captured images transmitted to the server consists essentially of the one or more identified images of interest (paragraph 26).

Referring to claim 29, Lyons further discloses that the Internet is used for periodically transmitting image data to the user's system (page 2, paragraph 25).

Referring to claim 36, Lyons further discloses a system configured to perform the method of claim 20 (figure 1).

Referring to claim 37, Lyons discloses a method for providing images to a user, the method comprising:

    a.   periodically capturing a plurality of images with a plurality of cameras (114, 116), wherein the plurality of cameras are located at a camera site (104), wherein each of the captured images provides a corresponding view of the camera site (page 2, paragraphs 21-23);

    b.   periodically transmitting at least a portion of the captured images to a server (102a) [page 2, paragraph 24];

    c.   processing the captured images, wherein the act of processing comprises identifying one or more images of interest among the captured images, wherein the act of identifying one or more images of interest comprises referencing an interest definition memory, wherein the interest definition memory comprises a hierarchical list of interest values for characteristics of views corresponding to captured images (page 2, paragraphs 26-32), wherein one of the characteristics comprises the presence of movement within a given view (page 2, paragraphs 27-29); and

    d.   periodically transmitting image data to a user's system, wherein the periodically transmitted image data comprises one or more of the images of interest (paragraph 32).

Referring to claim 38, Lyons further discloses a system configured to perform the method of claim 37 (figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claims 26, 30, 32, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lyons et al., U.S. Patent Application Publication No. 2002/0067258 ("Lyons").

Referring to claim 26, Lyons does not explicitly disclose that the moving object moves

from a first view of the views to a second view of the views. However, Lyons is concerned with

detecting the presence of an unauthorized intruder (page 2, paragraph 22). The Examiner notes

that it would have been obvious for an intruder to move from a first view to a second view

(figure 1) within the residence, since an person intruding a house usually does not stay in one

room/location. Therefore, it would have been obvious for Lyons' moving object to move from a

first view to a second view. Consequently, Lyons' method would further transmit the image

corresponding to the first view having the moving object and the image corresponding to the

second view having the moving object (pages 2-3, paragraph 27. Note that only the video image

data from cameras that trigger motion detection is transmitted).

Referring to claim 30, see the rejection of at least claim 26 above. As noted above, it

would have been obvious for Lyons' moving object to move from a first view to a second view.

Consequently, Lyons' method would identify a first image of interest and a second image of

interest, wherein the view corresponding to the first image of interest is different from the view

corresponding to the second image of interest such that the view corresponding to the image of

interest changes, wherein the act of periodically transmitting image data to a user's system

further comprises transmitting the first and second image of the interest to the user's system

(pages 2-3, paragraphs 27 and 34. Note that a set of n frames are transmitted from cameras that

trigger motion detection).

Referring to claim 32, Lyons further discloses the steps of transmitting a first image of

interest to the user's system, and transmitting a second image of interest to the user's system,

wherein the second image of interest is different from the first image of interest, wherein the act

of transmitting the second image of interest is performed after a predetermined minimum amount

of time has expired (page 3, paragraphs 32-34).

Referring to claim 39, Lyons discloses a system for providing images to a user, the

system comprising:

a.   a plurality of cameras (114, 116), wherein each of the cameras is operable to

periodically capture images, wherein each of the captured images provides a corresponding view

(page 2, paragraphs 21-23);

b.   an image selection module (130), wherein the image selection module comprises

an interest definition memory, wherein the interest definition memory comprises a hierarchical

list of interest values for characteristics of views corresponding to images captured by the

cameras, wherein the characteristics include motion within the views, wherein the image

selection module is configured to select images of interest from the images captured by the

cameras based on an amount of motion within the views corresponding to the captured images,

wherein the selection of images of interest by the image selection module is performed in

accordance with the hierarchical list of interest values (page 2, paragraphs 26-32); and

c.   a server (102a), wherein the server is configured to receive images captured by

the cameras, wherein the server is further configured to periodically transmit image data to a

user, wherein the image data transmitted to the user comprises first and second images of interest

selected by the image selection module (paragraph 32).

Lyons does not explicitly disclose that the first and second images of interest are captured

by separate cameras of the plurality of cameras. However, it would have been obvious for

Lyons' moving object to move from a first view of a first camera to a second view of a second

camera, as noted above (claim 26). Thus, the first and second images of interest would have

been captured by separate cameras of the plurality of cameras because only the video image data

from cameras that trigger motion detection is transmitted (pages 2-3, paragraph 27).

9.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

of Lyons et al., U.S. Patent Application Publication No. 2002/0067258 ("Lyons") and Scorse et

al., U.S. Patent No. 5,128,776 ("Scorse").

Referring to claim 34, Lyons does not explicitly disclose the step of re-transmitting an

image that has been previously transmitted to the user's system. However, this feature was

exceedingly well known in the art. For example, Scorse discloses the step of periodically

transmitting image data to a user's system comprising re-transmitting an image that has been

previously transmitted to the user's system (abstract).

Lyons and Scorse are combinable because they are both concerned with selectively

transmitting image data to a user. At the time of the invention, it would have been obvious to a

person of ordinary skill in the art to modify the method of Lyons so that it re-transmits the image

data, as taught by Scorse. The suggestion/motivation for doing so would have been to ensure

that the user receives the image data, thereby enhancing the reliability of the imaging system.

Therefore, it would have been obvious to combine Lyons with Scorse to obtain the invention as

specified in claim 34.

10.   Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

of Lyons et al., U.S. Patent Application Publication No. 2002/0067258 ("Lyons") and Halliday et

al., U.S. Patent No. 5,880,740 ("Halliday").

Referring to claim 35, Lyons does not explicitly disclose that an image identifier is

transmitted in lieu of transmitting an image. However, this feature was exceedingly well known

in the art. For example, Halliday discloses the step of transmitting an image identifier in lieu of

transmitting an image (col. 8, lines 29-34).

Lyons and Halliday are combinable because they are both concerned with the

transmission of images. At the time of the invention, it would have been obvious to a person of

ordinary skill in the art to modify the transmitting step of Lyons in view of Halliday. The

suggestion/motivation for doing so would have been to reduce the transmission bandwidth,

thereby enhancing the efficiency of the image transmission process. Therefore, it would have

been obvious to combine Lyons with Halliday to obtain the invention as specified in claim 35.

Allowable Subject Matter

11.   Claims 22-23, 31, 33 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

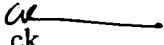Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
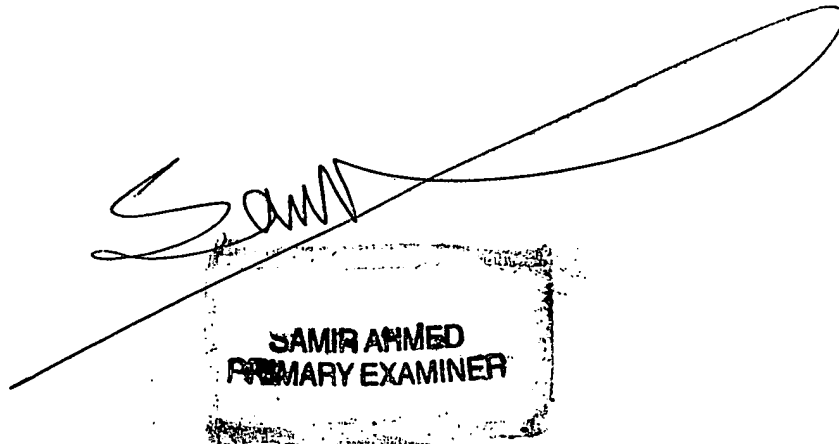
final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles Kim whose telephone number is 571-272-7421. The

examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am

to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the

organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ck
January 11, 2006

SAMIR AHMED
PRIMARY EXAMINER